

REMARKS

The Office rejects claims 1-4 in the subject application. Claims 1-4 (1 independent claims; 4 total claims) remain pending in the application. Reconsideration of this application is respectfully requested.

NEW DECLARATION

The Examiner indicates that the declaration marks "priority not claimed" for foreign priority of PCT/JP00/01627. However, a claim for priority to PCT/JP00/01627 is clearly made on page 2 of the originally submitted declaration. This claim for priority is also noted on the official filing receipt and the PTO online database (PALM).

It was a clerical error to check the "priority not claimed" box. Applicant attaches a new executed declaration without the clerical error properly claiming priority to PCT/JP00/01627. It is noted that the newly executed declaration continues to reference the parent patent application U.S. Application No. 09/700,583 (now U.S. Patent No. 6,714,882), where the subject application is a divisional of U.S. Application No. 09/700,583.

35 U.S.C. §102 REJECTIONS

The Examiner rejects claims 1 and 2 under 35 U.S.C. §102(b) as allegedly being anticipated by Boolish (U.S. Patent No. 5,985,479, Issued November 16, 1999 to Eveready Battery Company, Inc.). Applicant respectfully traverses the rejection.

Boolish discloses an electrochemical cell with a current path interrupter. A bushing 30 and vent seal member 32 form a force-fitted seal, "which may be forcibly ejected from the passage 38 to vent fluid from within the cell [10] during a high-pressure condition".¹ This ejection/release is only when a predetermined pressure is reached within cell 10.²

But Boolish fails to teach, advise, or suggest "a liquid detection section for detecting infiltration or generation of a liquid inside a secondary battery or inside a battery pack in which the secondary battery is installed" as recited in claim 1 (and claim 2, which depends from claim 1). Although Boolish ejects the force-fitted seal to vent

¹ Boolish, column 4, lines 3-7.

fluid, it is only because there is "a high-pressure condition" (and not because there is fluid within cell 10). Accordingly, the purpose of this ejection is to vent the high pressure from within cell 10 and to interrupt the current path to cover 36.³ In other words, Boolish could be interpreted to have a "high-pressure" detection section, but not a "liquid" detection section. This is because Boolish does not detect "infiltration or generation of a liquid inside a secondary battery or inside a battery pack" as recited in claim 1; but rather, Boolish ejects the seal because there is high-pressure.

Thus, Boolish fails to teach, advise, or suggest one or more of the claimed limitations, so that claims 1 and 2 are patentable over Boolish.

35 U.S.C. §103 REJECTIONS

The Examiner rejects claims 3 and 4 under 35 U.S.C. §103(a) as allegedly being unpatentable over Boolish in view of Darmawaskita (U.S. Patent No. 6,184,659, issued February 6, 2001 to Microchip Technology). Applicant respectfully traverses the rejection.

Based on the above discussion of Boolish and claim 1, claims 3 and 4 (which depend from claim 1) are also patentable over Boolish in view of Darmawaskita.

² Boolish, column 4, line 64 to column 5, line 2.

³ Boolish, column 5, lines 23-26.

CONCLUSION

Thus, the Applicant respectfully submits that the present application is in condition for allowance. Reconsideration of the application is thus requested. Applicant invites the Office to telephone the undersigned if he or she has any questions whatsoever regarding this Response or the present application in general.

Respectfully submitted,

By: 6-29-05

By: S. Shahpar
Shahpar Shahpar
U.S. Reg. No. 45,875

SNELL & WILMER L.L.P.
One Arizona Center
400 East Van Buren
Phoenix, Arizona 85004-2202
Phone: (602) 382-6306
Fax: (602) 382-6070
Email: sshahpar@swlaw.com